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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

EPIC GAMES, INC.,  
 Plaintiff,  
 vs.

Case No. 3:20-cv-05671-JD

GOOGLE LLC et al.,  
 Defendants.

PURE SWEAT BASKETBALL, INC., et. al,  
 Plaintiffs,  
 vs.

Case No. 3:20-cv-05792-JD

GOOGLE LLC et al.,  
 Defendants.

PEEKYA APP SERVICES, INC., et. al,  
 Plaintiffs,  
 vs.

Case No. 3:20-cv-06772-JD

GOOGLE LLC et al.,  
 Defendants.

**DEFENDANTS' REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT OF  
 DEFENDANTS' MOTION TO DISMISS  
 EPIC GAMES, INC.'S COMPLAINT AND  
 DEVELOPERS' FIRST CONSOLIDATED  
 CLASS ACTION COMPLAINT**

Judge: Hon. James Donato  
 Courtroom: 11, 19th Floor  
 Hearing: January 28, 2021



3:20-cv-05792-JD, Dkt. No. 56, First Consolidated Complaint ¶¶ 102 (“Google imposes this restraint through provisions of the Google Play Developer Distribution Agreement (‘DDA’), which Google requires all app developers to sign before they can distribute their apps through the Play Store.”), 103, 235-237, 245, 267-269. On a Rule 12 motion, “courts may take into account documents whose contents are alleged in a complaint and whose authenticity no party questions, but which are not physically attached to the [plaintiff’s] pleading.” *Davis*, 691 F.3d at 1160 (internal quotations omitted). The DDA, thus, is alleged in the complaint and no party questions its authenticity, and should be judicially noticed.

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For the foregoing reasons, Google respectfully requests that the Court take judicial notice of Exhibit A to the Declaration of Brian C. Rocca.

Dated: November 13, 2020

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Brian C. Rocca

Brian C. Rocca  
Attorneys for Defendants